DOCKET FILE COPY ORIGINAL Mississippi Public Service Commission

MICHAEL CALLAHAN, CHAIRMAN HATTIESBURG SECOND DISTRIC I

BO ROBINSON, VICE-CHAIRMAN HAMILTON - THIRD DISTRICT

NIELSEN COCHRAN COMMISSIONER
JACKSON FIRST DISTRICT

BRIAN U RAY EXECUTIVE SECRETARY (601) 961-5400 WILLIE E. MAY COLONEL OFFICE OF MOTOR CARRIERS

OSCAR L MORGAN, MAJOR OFFICE OF MOTOR CARRIERS

DAVID L CAMPBELL, ATTORNEY COMMISSION STAFF

December 15, 2003

Marlene H Dortch Office of the Secretary Federal Communications Commission 445-12th Street, SW Washington, D.C. 20554 RECEIVED & INSPECTED

DEC 2 2 2003

FCC - MAILROOM

Re CC Docket No. 96-45, No. 99-306; January 1st Certification Requirement for Non-Rural Carriers

Dear Ms Dortch

Pursuant to 47 C F R § 54 313, the Mississippi Public Service Commission ("MPSC") files its required certification for the Second Quarter of 2004 for the non-rural carriers identified in Attachment A

In accordance with the Federal Communication Commission's ("FCC") requirements in Federal/State Joint Board on Universal Service, Ninth Report and Order, Eighteenth Order on Reconsideration, CC Docket No. 96-45, FCC 99-306, the Mississippi Public Service Commission hereby certifies that these non-rural carriers proposed use of federal universal service high-cost support for the year 2004 will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Telecommunications Act of 1996

Attachment B contains copies of the Commission's orders designating the additional non-rural eligible telecommunications carriers for Mississippi

Enclosed is a stamped addressed envelope and an additional copy of this letter for you to use in forwarding a stamped filed copy of this correspondence. Thank you for your assistance in this matter

In accordance with the FCC's mandate, this certification letter is also being sent to Irene Flannery, Universal Service Administrative Company

Sincerely

Michael Callahan, Chairman

Bo Robinson Vice-Chairman

No of Conces recid_

List ABCDE

Marlene H. Dortch December 15, 2003

Page 2

Nielsen Cochran Commissioner

Fnclosure

Cc Irene Flannery

Attachment A

Ms Non-Rural Carriers January 1, 2004 Certification

Carriers	Study Area Code	MS Docket No.
Telepak Networks Inc	Not Available	2003-UA-0451
Dialog Telecommunications, Inc	Not Available	2003-UA-0665
Gulfpines Communications, LLC	Not Available	2003-UA-0757

RECEIVED & INSPECTED

SEC 2 2 2003

BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION

FCC - MAILROOM

03-UA-0457

TELEPAK NETWORKS, INC.

IN RE:

APPLICATION OF TELEPAK

NETWORKS, INC. FOR DESIGNATION AS AN

ELIGIBLE

TELECOMMUNICATIONS

CARRIER UNDER 47 U.S.C. §

214(E)(2)

ORDER

COMES NOW the Mississippi Public Service Commission ("Commission"), and it appearing to the Commission, for good cause shown and after reviewing the plan of Telepak Networks, Inc. ("Telepak Networks") for utilization of the year 2004 Federal Universal Service Fund ("USF") support heretofore submitted to this Commission by Telepak Networks, and this Commission being otherwise sufficiently advised, finds as follows:

I.

The Commission entered an Order designating Telepak Networks as Eligible Telecommunications Carrier "ETC" under section 47 U.S C 214(e)(2) on December 15, 2003

 Π

On or about December 10, 2003, Telepak Networks submitted its detailed plan for utilization of the Federal Universal Service High-Cost Support for the year 2004 ("USF Plan") for approval by the Commission. The USF Plan was filed under seal

This Commission finds that Telepak Networks' proposed use of federal universal service funds for the year 2004 in Mississippi is consistent with the principles of Universal Service as

outlined in the Telecommunications Act of 1996 and by the Federal Communications Commission ("FCC") in its Universal Service Order ¹

Ш

The Commission, after consultation with the Public Utilities Staff, concludes that Telepak Networks' USF Plan for utilization of the Federal Universal Service Fund for the year 2004 is consistent with the Telecommunications Act of 1996 and the pertinent FCC Orders.

IT IS, THEREFORE, ORDERED.

- 1 The Commission hereby certifies that Telepak Networks' plan to utilize Federal Universal Service High Cost Support Funds in Mississippi as contained in its revised USF Plan submitted to the Commission is consistent with 47 U.S.C. § 254(e)
- 2 Telepak Networks shall file quarterly reports with the Commission providing the status of universal service fund expenditures and projects
 - 3 This Order is effective as of the date hereof.

Chairman Michael Callahan voted April Vice Chairman Bo Robinson voted April Commissioner Nielsen Cochran voted

Federal - State Joint Board on Universal Service Ninth Report and Order and Eighteenth Order of Reconsideration, CC Docket No. 96-45, FCC 99-306, Released November 2, 1999 ("Universal Service Order") See generally, paragraphs 93-110

SO ORDERED. this the $\frac{\sqrt{5}}{4}$ day of December, 2003.

CERVICE COMMANDE

MISSISSIPPI PUBLIC SERVICE COMMISSION

MICHAEL CALLAHAN, Chairman

BO ROBINSON, Vice Chairman

NIELSEN COCHRAN, Commissioner

ATTEST A TRUE COPY

Executive Secretary

BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION

RECEIVED & INSPECTED

DEC 2 2 2003

FCC - MAILROOM

03-UA-665

DIALOG

INC.

IN RE: APPLICATION OF DIALOG

TELECOMMUNICATIONS, INC. FOR

DESIGNATION AS AN ELIGIBLE

TELECOMMUNICATIONS CARRIER

UNDER THE TELECOMMUNICATIONS

ACT OF 1996

TC 123207000

TELECOMMUNICATIONS.

ORDER

HAVING COME ON BEFORE the Mississippi Public Service Commission

("Commission") for the consideration of Dialog Telecommunications, Inc.'s ("Dialog") Plan for

Utilization of Federal Universal Service Funding for the year 2004 (the "Plan") heretofore

submitted to this Commission by Dialog, and after reviewing the Plan and being otherwise

sufficiently advised, this Commission finds as follows.

I.

On September 4, 2003, Dialog filed its Application for Designation as an Eligible Telecommunications Carrier ("ETC") under the Telecommunications Act of 1996. Dialog was subsequently designated by the Commission as an Eligible Telecommunications Carrier.

II

On November 26, 2003, Dialog submitted its plan for utilization of the Federal Universal Service Fund for the year 2004 for approval by the Commission. This Commission finds that Dialog's Plan for use of federal universal service funds for the year 2004 in Mississippi is

consistent with the principles of Universal Service as outlined in the Telecommunications Act of 1996 and by the FCC in its Universal Service Order.¹

III.

The Commission, after consultation with the Public Utilities Staff, concludes that Dialog's Plan for utilization of the Federal Universal Service Fund for the year 2004 is consistent with the Telecommunications Act of 1996 and the pertinent FCC orders.

IT IS, THEREFORE, ORDERED:

- 1 The Commission hereby certifies that Dialog's Plan for Utilization of Federal Universal Service Funding is consistent with 47 U.S.C. 254(e).
- 2. Dialog shall file quarterly reports with the Commission providing the status of universal service fund expenditures and projects.
 - 3. This Order is effective as of the date hereof.

^{&#}x27;Federal - State Joint Board on Universal Service Ninth Report and Order and Eighteenth Order on Reconsideration, CC Docket No. 96-45, FCC 99-306, Released November 2, 1999 ("Universal Service Order") See generally, paragraphs 93-110.

Chairman Michael Callahan voted , Vice Chairman Bo Robinson voted ;

and Commissioner Nielsen Cochran voted _ Nyc.

MISSISSIPPI PUBLIC SERVICE COMMISSION

MICHAEL CALLAHAN, CHAIRMAN

BO ROBINSON, VICE CHAIRMAN

BY:

NIELSEN COCHRAN, COMMISSIONER

ATTEST. A TRUE COPY

EXÉCUTIVE SÉCRETARY

BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION

RECEIVED & INSPECTED

DEC 2 2 2003

FCC - MAILROOM

03-UA-757

IN RE: APPLICATION OF GULFPINES

COMMUNICATIONS, LLC FOR

GULFPINES COMMUNICATIONS, LLC **DESIGNATION AS AN ELIGIBLE** TELECOMMUNICATIONS CARRIER

UNDER THE TELECOMMUNICATIONS

TC 123166400

ACT OF 1996

ORDER

HAVING COME ON BEFORE the Mississippi Public Service Commission ("Commission") for the consideration of GulfPines Communications, LLC's ("GulfPines") Plan for Utilization of Federal Universal Service Funding for the year 2004 (the "Plan") heretofore submitted to this Commission by GulfPines, and after reviewing the Plan and being otherwise sufficiently advised, this Commission finds as follows:

I.

On October 14, 2003, GulfPines filed its Application for Designation as an Eligible Telecommunications Carrier ("ETC") under the Telecommunications Act of 1996. GulfPines was subsequently designated by the Commission as an Eligible Telecommunications Carrier.

П.

On November 26, 2003, GulfPines submitted its plan for utilization of the Federal Universal Service Fund for the year 2004 for approval by the Commission. This Commission finds that GulfPines' Plan for use of federal universal service funds for the year 2004 in

Mississippi is consistent with the principles of Universal Service as outlined in the Telecommunications Act of 1996 and by the FCC in its Universal Service Order.

Ш

The Commission, after consultation with the Public Utilities Staff, concludes that GulfPines' Plan for utilization of the Federal Universal Service Fund for the year 2004 is consistent with the Telecommunications Act of 1996 and the pertinent FCC orders.

IT IS. THEREFORE, ORDERED.

- 1. The Commission hereby certifies that GulfPines' Plan for Utilization of Federal Universal Service Funding is consistent with 47 U.S.C. 254(e)
- 2 GulfPines shall file quarterly reports with the Commission providing the status of universal service fund expenditures and projects.
 - 3. This Order is effective as of the date hereof

Federal - State Joint Board on Universal Service Ninth Report and Order and Eighteenth Order on Reconsideration, CC Docket No 96-45, FCC 99-306. Released November 2, 1999 ("Universal Service Order") See generally, paragraphs 93-110.

SO ORDERED, this the 15 day of 1270 ptr 2, 2003.

Chairman Michael Callahan voted , Vice Chairman Bo Robinson voted and Commissioner Nielsen Cochran voted _______

MISSISSIPPI PUBLIC SERVICE COMMISSION

ICHAEL CALLAHAN, CHAIRMAN

ATTEST: A TRUE COPY

BRIAN L'RAY.

EXECUTIVE SECRETA

Attachment B

Orders designating Non-Rural Eligible Telecommunications Carriers in Mississippi

Carriers	Study Area Code	MS Docket No.
Telepak Networks, Inc	Not Available	2003-UA-0451
Dialog Telecommunications, Inc	Not Available	2003-UA-0665
Gulfpines Communications, LLC	Not Available	2003-UA-0757

RECEIVED & INSPECTED

DEC 2 2 2003

BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION

FCC - MAILROOM

03-UA-0457

TELEPAK NETWORKS, INC.

IN RE:

APPLICATION OF TELEPAK

NETWORKS, INC. FOR DESIGNATION AS AN

ELIGIBLE

TELECOMMUNICATIONS CARRIER UNDER 47 U.S.C. §

214(E)(2)

<u>ORDER</u>

THIS DAY, there came on for consideration by the Mississippi Public Service Commission ("Commission") the Application of Telepak Networks, Inc. ("Telepak Networks") for designation as a carrier eligible for federal universal service support pursuant to Section 214(e) of the Telecommunications Act of 1996 ("TA96") The Commission, being fully apprised in the premises and having considered the documents, responses of Telepak Networks to discovery requests, and the record before it as authorized by law, finds as follows, to-wit.

- On June 12, 2003, Telepak Networks filed with the Commission its Application pursuant to Section 214(e) of the Telecommunications Act of 1996 ("TA96") and Federal Communications Commission ("FCC") Rules 47 C F R. §§ 54.201 through 54.207, requesting designation as an Eligible Telecommunications Carrier ("ETC") for its current service area which includes the BellSouth Telecommunications, Inc. ("BellSouth") certificated areas in the State of Mississippi (the "designated service area")
- The Commission has jurisdiction to enter this Order, and entry hereof is in the public interest

- Due and proper notice of the Application was given to all interested persons as required by law and the Commission's Public Utilities Rules of Practice and Procedure
 - 4 BellSouth intervened and became a party of record in this matter.
- 5 Telepak Networks holds a Certificate of Public Convenience and Necessity granted by this Commission in Docket 99-UA-621 ("Certificate") to provide local telecommunication services of every kind throughout the designated service area, to provide interexchange telecommunication services, both inter LATA and intra LATA of every kind and nature throughout the State of Mississippi and to lease and construct certain telecommunication facilities necessary to provide such services
- Pursuant to 47 U.S.C § 214(e) and FCC Rule 47 C.F.R. § 54.201, to qualify under federal law as a telecommunications carrier eligible for universal service funding, carriers must satisfy certain requirements or qualify for a waiver of those requirements. An ETC must offer the following services.
 - a Voice grade access to the public switchboard network,
 - b Access to free of charge "local usage" defined as an amount of minutes of use of exchange service,
 - c. Dual tone multi-frequency signaling or its functional equivalent;
 - d Single-party service or its functional equivalent;
 - e Access to emergency services,
 - f Access to operator services,
 - g Access to interexchange services,
 - h Access to directory assistance, and

- Toll limitations services for qualifying low-income customers.
- Qualified ETCs must offer these services either using their own facilities or a combination of their own facilities and the resale of services of another facilities-based carrier.

 Telepak Networks satisfies these requirements and shall continue to comply with each of these provisions regarding service provision and offerings.
- Further, ETCs must advertise the availability of, and the prevailing prices for, the universal services throughout the area in which they have been designated as an ETC. Telepak Networks will implement a program to advertise the availability of the above referenced services and related charges using media of general distribution in its designated service area as required by Section 254(e)(1)(B) of TA96 and Section 54.201(d)(2) of the FCC's Rules.
- The Commission finds that Telepak Networks is capable of providing the services required for ETC designation and is capable of providing such services with an adequate degree of quality
- The Commission finds that Telepak Networks has committed to serve all subscribers upon request in its designated service area. Telepak Networks has committed to provide service either through its own facilities or a combination of its own facilities and resale
- Telepak Networks has not requested ETC designation for the exchanges of small rural carriers (independent telephone companies)
- The Commission finds that an ETC designation to Telepak Networks can at a future time be modified or changed by subsequent Order of this Commission
 - 13 The Commission finds that ETC designation cannot be granted solely based on

resale. Therefore, the Commission finds that Telepak Networks shall provide service either through its own facilities or a combination of its own facilities and resale to all subscribers upon request in its designated service areas.

Telepak Networks shall also offer Lifeline and Linkup services pursuant to Telepak Networks' Lifeline and Linkup tariffs which were approved by this Commission on May 7, 2003

The Commission, having jurisdiction of the parties and the subject matter, and having considered Telepak Networks' Application and the evidence in support thereof, finds that Telepak Networks is entitled to be granted a designation as an Eligible Telecommunications Carrier throughout its designated service area in Mississippi based on timely complying with all conditions expressed in this Order

IT IS, THEREFORE, ORDERED.

- 1. Telepak Networks is designated an Eligible Telecommunications Carrier throughout its current designated service area in the State of Mississippi. Telepak Networks shall provide service either through its own facilities or a combination of its own facilities and resale to all subscribers upon request in its designated service area.
- This Commission retains continuing jurisdiction to review, modify, or revoke its designation of Telepak Networks as an ETC. Telepak Networks is conditionally designated an Eligible Telecommunications Carrier throughout the geographical service area served by non-rural carriers as described in Docket 97-AD-552. This ETC designation is for federal universal service funds, and is based on federal rules and guidelines as they exist today. Likewise should the Universal Service. Administrative Company or any other agency revise contribution or disbursement requirements that would directly impact the State of Mississippi and its consumers, the MPSC.

retains its jurisdiction to review, modify and/or revoke its designation of Telepak Networks as an ETC Additionally, should any information supplied by Telepak Networks in this docket be inaccurate, the designation of Telepak Networks as an ETC may be revoked.

- 3. The entire file of the Commission, as well as all responses to all discovery requests, are specifically made a part of the record in this matter
 - 4. This Order is effective as of the date hereof

SO ORDERED, this the day of December, 2003.

Chairman Michael Callahan voted Age. Vice Chairman Bo Robinson voted Age.

Commissioner Nielsen Cochran voted Age.

MISSISSIPPI PUBLIC SERVICE COMMISSION

O COMMISSION OF THE PROPERTY O

MICHAEL CALLAHAN, Chairman

Do Coleman

BO ROBINSON, Vice Chairman

NIELSEN COCHRAN, Commissioner

ATTEST A TRUE COPY

BRIAN É RAY

Executive Secretary

BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION

RECEIVED & INSPECTED

03-UA-665

DIALOG

INC.

IN RE:

APPLICATION OF DIALOG FCC - MAILBOO

TELECOMMUNICATIONS, INC. FO

DESIGNATION AS AN

ELIGIBLE TELECOMMUNICATIONS

CARRIER UNDER THE

TELECOMMUNICATIONS ACT OF

1996

TC 123207000

TELECOMMUNICATIONS,

ORDER

THIS DAY, there came on for consideration by the Mississippi Public Service

Commission ("Commission") the Application of Dialog Telecommunications, Inc ("Dialog") for

designation as a carrier eligible for federal universal service support pursuant to Section 214(e) of
the Telecommunications Act of 1996 ("TA96") The Commission, being fully apprised in the
premises and having considered the documents, responses of Dialog to discovery requests
submitted by the Mississippi Public Utilities Staff ("MPUS"), and the record before it, as
authorized by law and upon recommendation of the MPUS, finds as follows, to-wit:

On September 4, 2003, Dialog filed with the Commission its Application pursuant to Section 214(e) of the Telecommunications Act of 1996 and Federal Communications

Commission ("FCC") Rules 47 C.F.R. §§ 54 201 through 54 207, requesting designation as an Eligible Telecommunications Carrier ("ETC") for its current service area which includes the State of Mississippi (the "designated service area")

- The Commission has jurisdiction to enter this Order, and entry hereof is in the public interest
- 3 Due and proper notice of the Application was given to all interested persons as required by law and the Commission's Public Utilities Rules of Practice and Procedure
- 4 BellSouth Telecommunications, Inc. ("BellSouth") intervened and became a party of record in this matter
- 5 Dialog holds a Certificate of Public Convenience and Necessity to operate as a reseller and facilities-based competitive local exchange carrier and reseller of intrastate interLATA and intraLATA interexchange telecommunications services within the State of Mississippi
- 6 Pursuant to 47 U S C. § 214(e) and FCC Rule 47 C.F.R § 54 201, to qualify under federal law as a telecommunications carrier eligible for universal service funding, carriers must satisfy certain requirements or qualify for a waiver of those requirements. An ETC must offer the following services:
 - a Voice grade access to the public switched network;
 - b Access to free of charge "local usage" defined as an amount of minutes of use of exchange service,
 - c Dual tone multi-frequency signaling or its functional equivalent;
 - d Single-party service or its functional equivalent:
 - e Access to emergency services,
 - f Access to operator services:
 - g Access to interexchange services.

- h Access to directory assistance, and
- foll limitations services for qualifying low-income customers
- 7 Qualified ETCs must offer these services either using their own facilities or a combination of their own facilities and the resale of services of another facilities-based carrier Dialog satisfies this requirement and shall continue to comply with each of these provisions regarding service provision and offerings.
- 8. Further, ETCs must advertise the availability of, and the prevailing prices for, the universal services throughout the area in which they have been designated as an ETC. Dialog will implement a program to advertise the availability of the above referenced services and related charges using media of general distribution in its certificated service area as required by Section 254(e)(1)(B) of TA96 and Section 54.201(d)(2) of the FCC's Rules.
- 9 The Commission finds that Dialog is capable of providing the services required for ETC designation and is capable of providing such services with an adequate degree of quality.
- 10. The Commission finds that Dialog has committed to serve all subscribers upon request in its designated service area. Dialog has committed to provide service either through its own facilities or a combination of its own facilities and resale.
- 11. Dialog has not requested ETC designation for the exchanges of small rural carriers (independent telephone companies)
- 12. The Commission finds that an ETC designation to Dialog can at a future time be modified or changed by subsequent Order of this Commission.
- 13 The Commission finds that ETC designation cannot be granted solely based on resale. Therefore, the Commission finds that Dialog shall provide service either through its own

facilities or a combination of its own facilities and resale to all subscribers upon request in its designated service area.

14 Dialog shall also offer Lifeline and Linkup services pursuant to Dialog's Lifeline and Linkup tariffs which have been approved by this Commission.

The Commission, having jurisdiction of the parties and the subject matter, and having considered Dialog's Application and the evidence in support thereof, finds that Dialog is entitled to be granted designation as an eligible telecommunications carrier throughout its designated service area in Mississippi based on timely complying with all conditions expressed in this Order

IT IS, THEREFORE, ORDERED:

- Dialog is designated an Eligible Telecommunications Carrier throughout its current service area which includes the State of Mississippi Dialog shall provide service either through its own facilities or a combination of its own facilities and resale to all subscribers upon request in its designated service area.
- 2 This Commission retains continuing jurisdiction to review, modify, or revoke its designation of Dialog as an ETC Dialog is conditionally designated an Eligible Telecommunications Carrier throughout the geographical service area served by non-rural carriers as described in Docket 97-AD-552. This ETC designation is for federal universal service funds, and is based on federal rules and guidelines as they exist today. Likewise, should the Universal Service Administrative Company or any other agency revise contribution or disbursement requirements that would directly impact the State of Mississippi and its consumers, the Commission retains its jurisdiction to review, modify and/or revoke its designation of Dialog

as an ETC Additionally, should any information supplied by Dialog in this docket be inaccurate, the designation of Dialog as an ETC may be revoked

- 3. The entire file of the Commission, as well as all responses to all discovery requests of the MPUS, are specifically made a part of the record in this matter.
 - 4. This Order is effective as of the date hereof.

SO ORDERED, this the May of Michile , 2003.

Chairman Michael Callahan voted 42; Vice Chairman Bo Robinson voted 42; Commissioner Nielsen Cochran voted 24

MISSISSIPPI PUBLIC SERVICE COMMISSION



MICHAEL CALLAHAN, Chairman

BO ROBINSON, Vice Chairman

NIELSEN COCHRAN, Commissioner

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BRIAN U RAY____ Executive Secretary

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BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION

RECEIVED & INSPECTED

DEC 2 2 2003

03-UA-757

IN RE: APPLICATION OF GULFPIN

COMMUNICATIONS, LLC FOR

GULFPINES

DESIGNATION AS AN

COMMUNICATIONS, LLC

ELIGIBLE TELECOMMUNICATIONS

CARRIER UNDER THE

TC 123166400 TELECOMMUNICATIONS ACT OF

1996

ORDER

THIS DAY, there came on for consideration by the Mississippi Public Service

Commission ("Commission") the Application of GulfPines Communications, LLC ("GulfPines")

for designation as a carrier eligible for federal universal service support pursuant to Section

214(e) of the Telecommunications Act of 1996 ("TA96") The Commission, being fully apprised

in the premises and having considered the documents, responses of GulfPines to discovery

requests submitted by the Mississippi Public Utilities Staff ("MPUS"), and the record before it, as

authorized by law and upon recommendation of the MPUS, finds as follows, to-wit

- On October 14, 2003. GulfPines filed with the Commission its Application pursuant to Section 214(e) of the Telecommunications Act of 1996 and Federal Communications

 Commission ("FCC") Rules 47 C.F R §§ 54 201 through 54.207, requesting designation as an Eligible Telecommunications Carrier ("ETC") for its current service area which includes the State of Mississippi (the "designated service area").
- 2 The Commission has jurisdiction to enter this Order, and entry hereof is in the public interest

- 3 Due and proper notice of the Application was given to all interested persons as required by law and the Commission's Public Utilities Rules of Practice and Procedure
- 4. BellSouth Telecommunications, Inc. ("BellSouth") intervened and became a party of record in this matter.
- 5. GulfPines holds a Certificate of Public Convenience and Necessity to provide resold and facilities-based local exchange services and interexchange telecommunications services within the State of Mississippi
- 6 Pursuant to 47 U S.C. § 214(e) and FCC Rule 47 C.F.R. § 54.201, to qualify under federal law as a telecommunications carrier eligible for universal service funding, carriers must satisfy certain requirements or qualify for a waiver of those requirements. An ETC must offer the following services:
 - a Voice grade access to the public switched network;
 - b Access to free of charge "local usage" defined as an amount of minutes of use of exchange service;
 - c Dual tone multi-frequency signaling or its functional equivalent,
 - d Single-party service or its functional equivalent;
 - e Access to emergency services;
 - f Access to operator services;
 - g Access to interexchange services,
 - h. Access to directory assistance; and
 - Toll limitations services for qualifying low-income customers.
 - 7 Qualified ETCs must offer these services either using their own facilities or a

combination of their own facilities and the resale of services of another facilities-based carrier GulfPines satisfies this requirement and shall continue to comply with each of these provisions regarding service provision and offerings.

- 8 Further. ETCs must advertise the availability of, and the prevailing prices for, the universal services throughout the area in which they have been designated as an ETC. GulfPines will implement a program to advertise the availability of the above referenced services and related charges using media of general distribution in its certificated service area as required by Section 254(e)(1)(B) of TA96 and Section 54.201(d)(2) of the FCC's Rules.
- 9 The Commission finds that GulfPines is capable of providing the services required for ETC designation and is capable of providing such services with an adequate degree of quality
- 10. The Commission finds that GulfPines has committed to serve all subscribers upon request in its designated service area. GulfPines has committed to provide service either through its own facilities or a combination of its own facilities and resale.
- 11 GulfPines has not requested ETC designation for the exchanges of small rural carriers (independent telephone companies).
- 12. The Commission finds that an ETC designation to GulfPines can at a future time be modified or changed by subsequent Order of this Commission.
- The Commission finds that ETC designation cannot be granted solely based on resale. Therefore, the Commission finds that GulfPines shall provide service either through its own facilities or a combination of its own facilities and resale to all subscribers upon request in its designated service area.
 - 14 GulfPines shall also offer Lifeline and Linkup services pursuant to GulfPines's

Lifeline and Linkup tariffs which have been approved by this Commission.

The Commission, having jurisdiction of the parties and the subject matter, and having considered GulfPines's Application and the evidence in support thereof, finds that GulfPines is entitled to be granted designation as an eligible telecommunications carrier throughout its designated service area in Mississippi based on timely complying with all conditions expressed in this Order

IT IS, THEREFORE, ORDERED:

- 1 GulfPines is designated an Eligible Telecommunications Carrier throughout its current service area which includes the State of Mississippi GulfPines shall provide service either through its own facilities or a combination of its own facilities and resale to all subscribers upon request in its designated service area.
- This Commission retains continuing jurisdiction to review, modify, or revoke its designation of GulfPines as an ETC GulfPines is conditionally designated an Eligible Telecommunications Carrier throughout the geographical service area served by non-rural carriers as described in Docket 97-AD-552. This ETC designation is for federal universal service funds, and is based on federal rules and guidelines as they exist today. Likewise, should the Universal Service Administrative Company or any other agency revise contribution or disbursement requirements that would directly impact the State of Mississippi and its consumers, the Commission retains its jurisdiction to review, modify and/or revoke its designation of GulfPines as an ETC Additionally, should any information supplied by GulfPines in this docket

be inaccurate, the designation of GulfPines as an ETC may be revoked

- 3 The entire file of the Commission, as well as all responses to all discovery requests of the MPUS, are specifically made a part of the record in this matter.
 - 4 This Order is effective as of the date hereof.

SO ORDERED, this the barrent of December , 2003.

Chairman Michael Callahan voted A., Vice Chairman Bo Robinson voted Commissioner Nielsen Cochran voted

MISSISSIPPI PUBLIC SERVICE COMMISSION

MICHAEL CALLAHAN, Chairman

BO ROBINSON, Vice Chairman

NIELSEN COCHRAN, Commissioner

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BRIAN U RAY

Executive Sécretary